

## Trauma-Informed Interviewing

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### Getting Started – Setting the Stage

Let the victim know that it is ok  
for them to interrupt you at  
any time with a correction,  
thought, or question

Let them know that they can  
decide if/when a break is  
needed and can stop the  
interview at any point

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Remember, the victim, not the investigator has the  
most vital information about the sexual assault,  
therefore the victim should be the one with  
primary control during the interview process.

EVAWI, (2019) Interviewing the Victim: Techniques Based on the Realistic Dynamics of Sexual Assault

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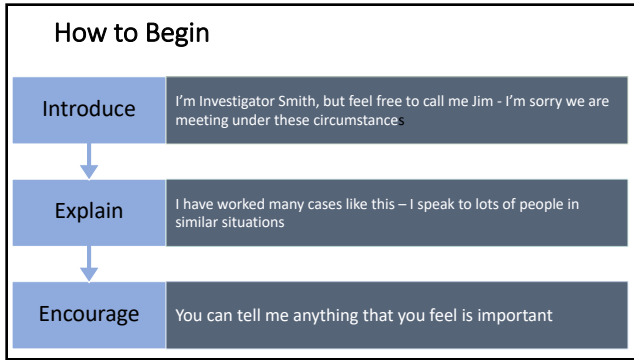
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Permission not to remember	<p>Begin by saying something like...</p> <p>"Share with me anything you can remember about this experience. You can start wherever you want..."</p>
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<p>let the victim go at their own pace and use their own words - fight the urge to interrupt, clarify or redirect...</p>
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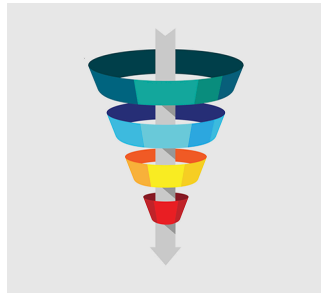
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- Open-ended questions & prompts
- Sensory questions
- Clarification questions – carefully
- No leading questions
- No “why” questions




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Open  
Narrative

- Open-ended prompts
- And then what happened?
  - Tell me more about that...
  - Can you tell me what you were **thinking** at this point?
  - Can you tell me what you were **feeling** when he did that?

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Establishing  
Force,  
Threat &  
Intimidation

- When did you first feel afraid?
- What changed at that point for you?
- What was going through your mind then - compared to before?
- Compared to \_\_\_\_\_ were you feeling more or less afraid? Why?
- Tell me more about what made you feel forced
- Tell me more about him - his demeanor, his size, his strength...

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Central Details	What is the one thing you remember the most about this event?
	What stands out in your mind the most when you talk about this event?
	What is the one thing that you cannot forget about this event?

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Finding Corroboration	What was your most significant physical feeling?
	Who have you told about what happened to you? When did you tell?

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Finding Corroboration	Is there anything that you can't do anymore?
	Is there anything that you have lost interest in?
	Is there anything you do now that you didn't before?
	How has this changed your day to day life?

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When a  
"Triggered"  
Report...

Many people wait to report what has happened to them, what made you choose to report now?

How did your life change immediately after this happened?

Can you tell me what you remember about the first 3 days after this happened?

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Avoid the  
"Why" ?s

Why didn't you fight the suspect?

Why didn't you scream for help?

Why didn't you just leave?

Why did you kiss him?

Why did you leave with him?

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INSTEAD...

Help me understand your perspective...

What was going through your mind when...

Can you elaborate on...

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Clarification

Explain why the questions are needed

- one of the biggest complaints of victims is not feeling informed through the interview
- especially important when dealing with sexual acts or high-risk activities of the victim

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The “Prosecution” Question

This question should *never* be asked during the interview phase – only when the investigation is complete, and prosecutor is consulted

If asked by the victim - be completely honest - never promise that the suspect will be arrested, prosecuted, or convicted

Reassure that a thorough investigation will happen and reassure the victim will continue to be kept informed

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Follow-up interview(s)

Disclosure is a process

New information will develop, and this often means speaking to your victim for clarification / elaboration

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# Trauma-Informed Prosecution

Produced by The Institute for Innovation in Prosecution



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## Defeating the Consent Defense

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### CONSENT DEFENSE

SHE STARTED IT

SHE WANTED IT

SHE SENT MIXED SIGNALS

SHE DESERVED WHAT SHE GOT

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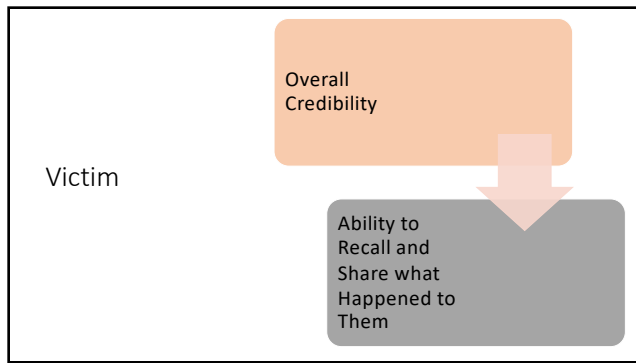
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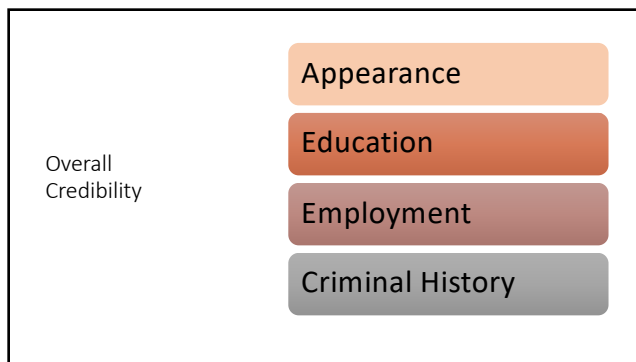
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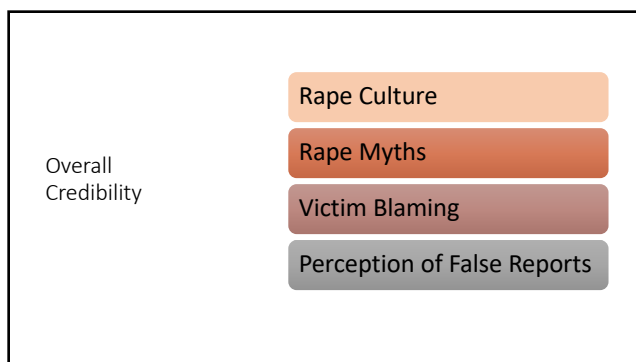
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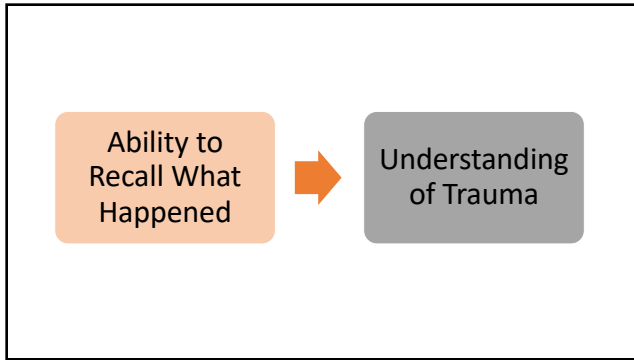
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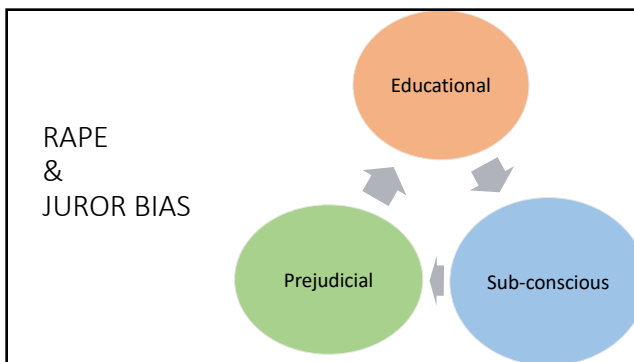
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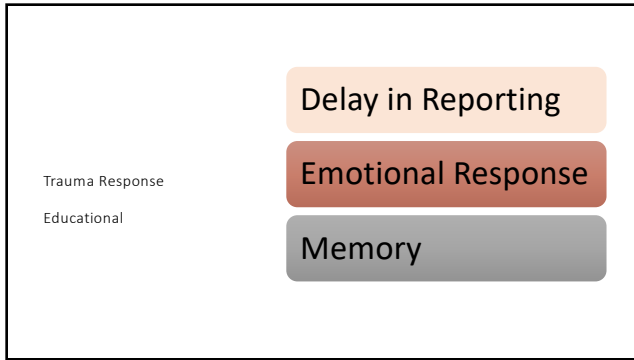
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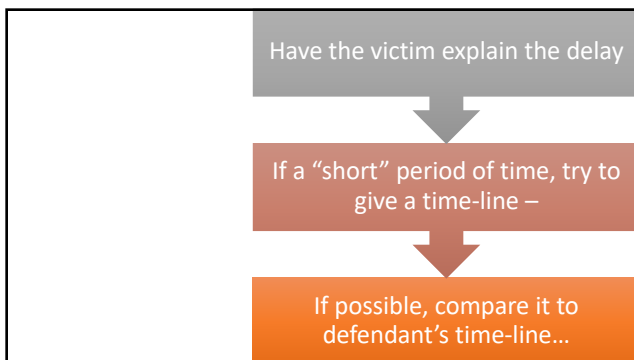
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Find corroboration in victim's behavior consistent with trauma regardless of delay in reporting

- Friends
- Work/School Records
- Medical/Psychiatric Records
- Phone/Texts

Ask your seasoned detective or FNE (FNE maybe can speak to # that never report to police)

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EMOTIONAL  
RESPONSE

What is the  
expectation?

What is the  
reality?

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FUNERAL

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VICTIM STATEMENTS AND MEMORY

What is the expectation?

What is the reality?

**\*\*Different approach if you have a TI interview**

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VOIR DIRE –  
“Traditional”  
Interview

Presidential Debate

Survivor

Sporting Event

American Idol

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**There will be physical injuries if it is rape or in other words...**

**Anyone who is being raped will fight back**

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JURORS

WHAT TYPE OF  
BIAS DO JURORS  
HAVE ABOUT  
THIS?

Educational,  
Sub-conscious,  
or Prejudicial

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WHY  
DIDN'T  
YOU...

FIGHT

SCREAM

RUN

???????

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- Have any of you heard of the terms, “fight or flight” when it comes to someone encountering danger?
- Have any of you heard of a third response, “fight, flight or freeze”?
- Have any of you heard there is a scientific term for that?
- Habits and Reflexes
- Does anyone believe a victim must sustain injuries before there can be a rape?

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People respond to sexual assault  
**involuntarily**

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- The defendant used only the amount of force necessary to be successful

**The weapon used was trust**

- Give jurors permission to freeze –
  - It's a common behavior and can be necessary to survive
  - Under the law – it's enough - make the bold statement

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You can't rape your wife / girlfriend

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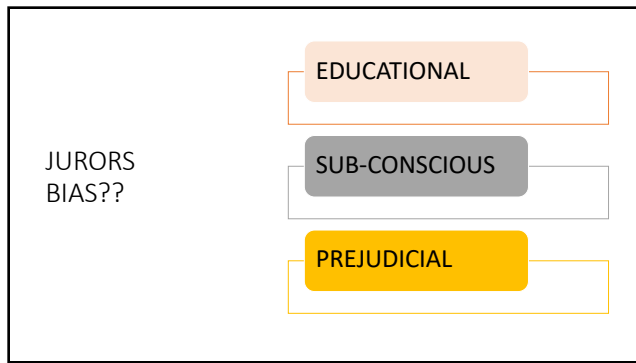
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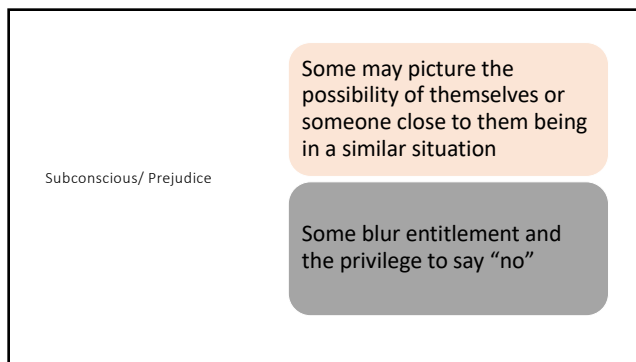
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Put as much “context” into evidence under “state of mind”

Prepare victim to articulate all of the inconsistencies with this specific instance and previous consensual encounters

Be prepared to address defense’s argument of “hidden agendas”

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## CLOSING

SOAPBOX

Address added “costs” of victim coming forward – *i.e.* how has life changed during this process

Make the bold statement

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Certain Behaviors “Ask” For It  
(PREJUDICES)

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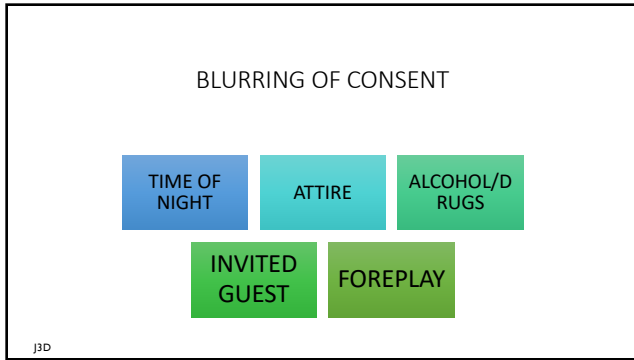
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Can you conceive of a situation when...

- a person kissed someone without wanting to have sex?
- a person had too much to drink around someone and not wanted to have sex?
- a person went in the house of someone and not wanted to have sex?

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CLOSING ARGUMENT

- Remind jurors of their commitments in voir dire to be fair
- Emphasize the "NO" message that was communicated
- "Guilt" them into suppressing their biases
- Unlocked Car

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Resources

JSD

- Russell Strand, Ret. SA Army CID, Consultant and Pioneer in Trauma-Informed Interviewing
- Gender Bias In Sexual Assault Response and Investigation Heather Huhtanen, Lisa Avalos, Kimberly Lonsway (March, 2018)
- Christopher Wilson, PhD (2016) Portland, OR
- Introduction to Forensic Experiential Trauma Interview within the SA Investigative Response (March 1-2, 2016) Portland, OR
- Why Rape Victims Don't Yell Out, James Hopper, *The Washington Post* (June 23, 2015)

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Resources

JSD

- False Allegations, Case Unfounding, and Victim Recantations: Presentation by Deputy Chief Bellshaw, Salem Police Department and Christine Herman, JD, Oregon Attorney General's Task Force. (2009)
- Lonsway, K.A., Archambault, J., & Lisak, D. (2009). False Reports: Moving Beyond the Issue to Successfully Investigate and Prosecute Non-Stranger Sexual Assault. *The Voice*, Vol. 3, No. 1. Alexandria, VA; The National Center for Prosecution of Violence Against Women, American Prosecutors Research.

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## Resources

- Tillman, Bryant-Davis, Smith, Marks (2010) Shattering Silence: Exploring Barriers to African American Sexual Assault Survivors. Published in; *Trauma, Violence, & Abuse 2010*. DOI: 1177/1524838010363717
- <https://ojp.gov/ovc/publications/infores/pdftxt/VictimsGuideBook.pdf>
- <https://www.ruralhealthinfo.org/topics/violence-and-abuse#sexual-assault>

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